

**DINSMORE
& SHOHL LLP****FACSIMILE TRANSMITTAL**

March 15, 2004

from **JAMES E. BEYER**

Direct: 937-449-6438 / Fax: 937-223-0724 / james.beyer@dinslaw.com

To:**Firm:** U.S. Patent and Trademark Office**Fax Number:** (703) 872-9306**Client Number:** BAT 0063 PA/40078.243**Pages:** 14
(including cover)**Comments:** Please see the attached Preliminary Amendment.**RECEIVED
CENTRAL FAX CENTER**

MAR 15 2004

OFFICIAL

If there are any problems in receiving this transmission, please call Vicki Hebbard (937) 223-2050 immediately. Thank you.

Application of

Applicants : Toney
Serial No. : 10/658,105
Filed : September 9, 2003
Title : MULTI-BARRIER PHOTONIC HETEROSTRUCTURES
Docket : BAT 0063 PA/40078.243
Art Unit : 2811

JEB/vlh

Notice

This message is intended only for the use of the individuals or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this notice in error, please notify us immediately by telephone and return these papers to us at the address below via first class mail.

Dayton • One Dayton Centre • One South Main Street, Suite 500 • Dayton, OH 45402-2030 • Phone: (937) 223-2050

PAGE 1/14 * RCVD AT 3/15/2004 10:48:27 AM [Eastern Standard Time] * SVR:USPTO-EFXXRF-1/3 * DNS:8729306 * CSID:9372230724 * DURATION (mm-ss):03-00

OFFICIAL**OFFICIAL**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
CENTRAL FAX CENTER**

MAR 15 2004

Application of

Applicant : Toney

Serial No. : 10/658,105

Filed : 09/09/2003

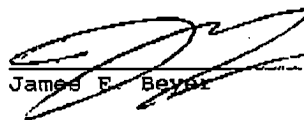
Title : MULTI-BARRIER PHOTONIC HETEROSTRUCTURES

Docket : BAT 0063 PA

Art Unit : 2811

OFFICIALCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark
Office ((703) 872-9306) on March 15, 2004.
James F. Beyer39,564
Reg. No.

Sir:

PRELIMINARY AMENDMENT

This paper is being filed prior to receipt of an Office Action in the above-noted application. Consideration of the present application is respectfully requested in light of the amendments and remarks below, which include, in order of appearance, beginning on separate sheets:

- Amendments to the Claims; and
- Remarks.